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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,825	01/26/2004	James A. Mann JR.	DSCK-1246-C1	9085

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,825

Applicant(s)

MANN ET AL.

Examiner

Stephen L. Blau

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: It is uncertain what the shaded area in figure 5 is.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 19 and 38 are indefinite in that the terms "conventional square groove". There are a variety of different dimensions for grooves. What is conventional to one is not what is conventional to another. Claim 11 is indefinite in that the range of depth of a groove is outside the range in the claim it depends on (Claim 9). It is believed that claim 11 should have depended on claim 10 and be for the structure of a groove width. Claim 27 is indefinite in not providing proper antecedent basis for a second surface angle. A first angle had not been previously disclosed. Claim 33 is indefinite in not providing proper antecedent basis for said edge spacing. The edge spacing had not been previously disclosed. It appears that claim 33 should have

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depended on claim 32. Claim 37 is indefinite in that a "said increased volume groove" is claimed and there is improper antecedent basis for this structure. It appears claim 37 should depend on claim 19. Claim 39 is indefinite in that it claims a set yet it depends on claim 28 which claims a club. In claim 39 it is uncertain whether a set or a club is being claimed. It is believed that claim 38 should have been the claim being depended on. Claims 14-18 and 23-37 are indefinite in that these claims claim a ball and the claims they depend on claim a club. In these claims it is uncertain what is being claimed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13, 19-33, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamatsu in view of Official Notice.

Kawamatsu discloses a 4 iron having V groove configuration (Fig. 3B, Col. 3, Lns. 41-47), a centerline spacing being .105 plus or minus .05 inch (Col. 3, Lns. 1-8), a first and second surface angle being 50 degrees, a groove depth being .29 mm (Table 3B, Table 1, Iron 4), a groove width of .7 mm (Table 1, Iron 4), edge spacing being .075 to .3 inches (Col. 3, Lns. 1-8, Table 1), a 5 Iron having a first and second surface angle being 40 degrees (Table 1, 5 Iron, Figs.

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3B-3C), an 8 iron having a U configuration with a planar bottom (Fig. 3C, Col. 3, Lns. 41-47, Table I), a centerline spacing being .105 plus or minus .05 inch (Col. 3, Lns. 1-8), a first and second surface angle being 20 degrees (Fig. 3C, Table 1, Iron 8), a groove depth being .35 mm (Table 1, Iron 8), a groove width of .7 mm (Table 1, Iron 8), edge spacing being .075 to .3 inches (Col. 3, Lns. 1-8, Table 1), and irons 1-7 contain reduced volume grooves compared to a 9 and PW iron (Table 1).

Kawamatsu lacks a shaft. The examiner takes Office Notice that it is well known to have a shaft with a head forming a golf club.

6. Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galloway.

Galloway discloses a plurality of center grooves having a groove spacing of about 5 to 50 % greater than grooves placed on an outer portion of a face (See enclosure (1)) and a compared wood being a 1 club configuration in the form of a driver (Col. 4, Lns. 40-55).

Galloway does not specifically disclose that the head with the spacing is a driver. Clearly one skilled in the art would have made the head of Galloway a suitable type of club in which a #1 wood of a driver would be included in order to have a long hitting club.

7. Claims 1, 15-16, 18, 19 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura in view of Molitor.

Nishimura discloses a plurality of center grooves having a concave (cross-section) groove with a center depth about 5-50% less than grooves on an outer portion of a face (Fig. 4b) and a plurality of center grooves having a concave (cross-section) groove with a center depth about 5-

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50% more than grooves on an outer portion of a face (Fig. 3b) for hollow heads (Abstract) in order to modify the rigidity of a face and the spin placed on a ball at impact (Col. 4, Lns. 14-34).

Nishimura lacks a club being a 1-9 and PW club and a shaft portion. Molitor discloses a set of irons including a 3-9 and PW iron clubs having a shaft portion (Figs. 5A-5L). In view of the patent of Molitor it would have been obvious to modify the club of Nishimura to include a set of 3-9 and PW irons having shaft portions in order to modify the rigidity of a face and as such the spin placed on a ball at impact for hollow irons clubs.

8. Claims 19 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antonious in view of Horwood.

Antonious discloses increased volume groove configuration (Figs. 2C, 3C) being a plurality of center grooves having a spacing of about 50% less than grooves placed on an outer portion of a face (Fig. 12).

Antonious lacks a shaft and a 9 iron. Horwood discloses a 9 iron club (Col. 4, Lns. 15-30) having a shaft (Fig. 1). In view the patent of Horwood it would have been obvious to modify the club of Antonious to be a nine iron with a shaft in order to utilize the benefits of the head design of Antonious for a nine iron with a shaft.

9. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamatsu in view of Official Notice as applied to claims 1-13, 19-33, and 38-42 above, and further in view of Horwood.

Kawamatsu discloses clubs 8, 9 and a pitching having an increased volume U groove (Figs. 3C-3D) as compared to a 3 iron (Table 1, Fig. 3).

Kawamatsu lacks a gap wedge and a sand wedge having U grooves. Horwood discloses a set of clubs having a gap wedge and a sand wedge (Col. 4, Lns. 15-30). In view of the patent of Horwood it would have been obvious to modify the set of clubs of Kawamatsu to have a gap wedge and a sand wedge having U grooves in order to have more different clubs to choose from when playing a round of golf.

Allowable Subject Matter

10. Claims 17, and 37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. With respect to claim 17, none of the prior art discloses or renders as obvious a plurality of convex grooves having a center groove width of about 5 to 50 % less than grooves placed on an outer portion of a face in addition to the other elements of structure claimed. With respect to claim 37, none of the prior art discloses or renders as obvious a plurality of convex grooves having a center groove width of about 5 to 50 % more than grooves placed on an outer portion of a face in addition to the other elements of structure claimed.

Conclusion

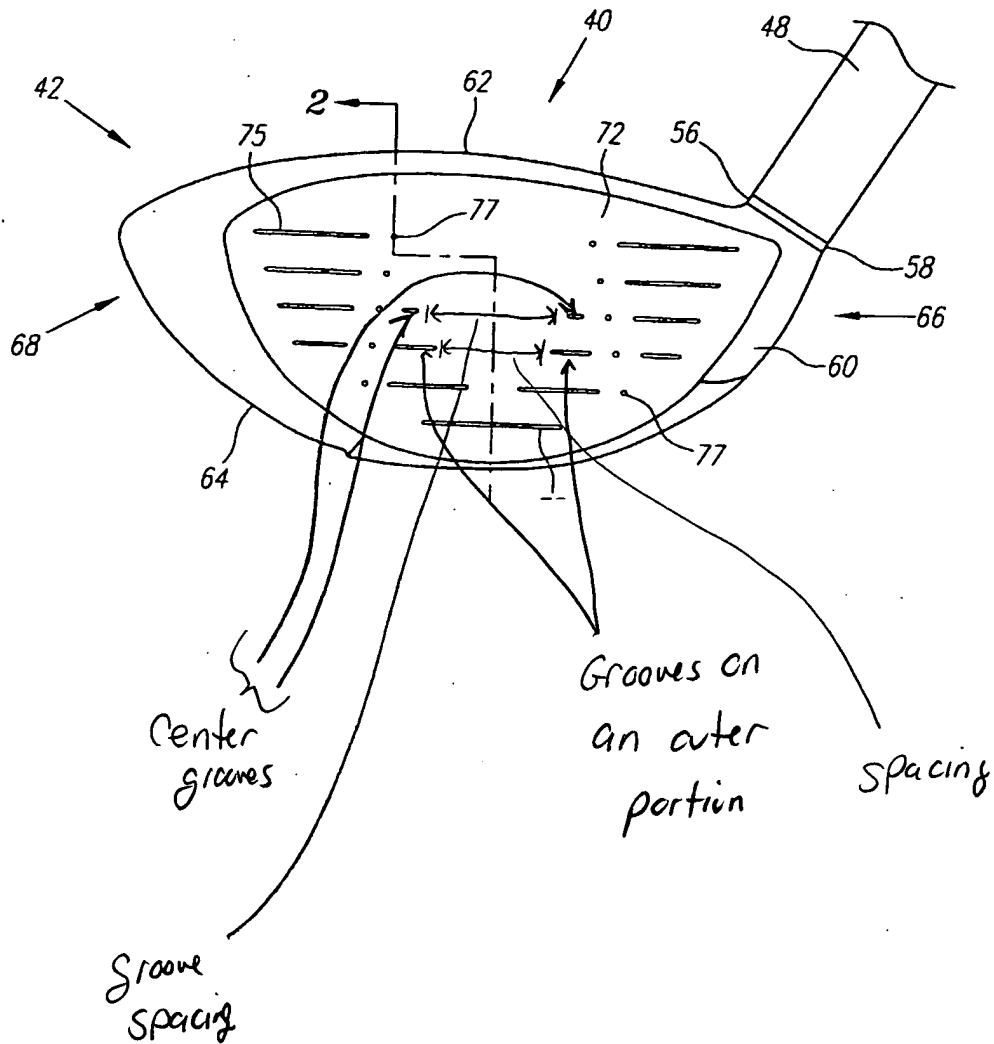
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gibert discloses a set of clubs with reduced volume grooves and increased volume grooves. Michaels discloses different depth grooves on a face. Wahl discloses groove irons.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 9 April 2005


STEPHEN BLAU
PRIMARY EXAMINER



enclosure (1)